

FILED '06 DEC 21 14:39 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LAURENCE WOODS,

06-CV-815-HU

Plaintiff,

ORDER

v.

SHERIFF GIUSTO and CHAPLAIN  
KYLE,

Defendants.

LAURENCE WOODS

311 N. Jessup  
Portland, OR 97217

Plaintiff, *Pro Se*

AGNES SOWLE

County Attorney

SUSAN M. DUNAWAY

Assistant County Attorney  
501 S.E. Hawthorne Boulevard  
Suite 500  
Portland, OR 97214

Attorneys for Defendant

**BROWN, Judge.**

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#17) on October 30, 2006, in which he recommended the Court grant Defendants' Motion to Dismiss (#3) and dismiss this matter without prejudice for improper service. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

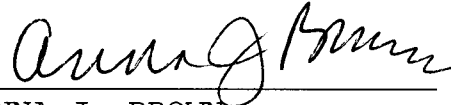
**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#17). Accordingly, the Court **GRANTS** Defendants'

Motion to Dismiss (#3) and **DISMISSES** this matter **without prejudice** for improper service.

IT IS SO ORDERED.

DATED this 20<sup>th</sup> day of December, 2006.

A handwritten signature in cursive script, appearing to read "Anna J. Brown", written over a horizontal line.

ANNA J. BROWN  
United States District Judge